

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

CP(C) No.105 of 1997
(OA 125 of 1997)

Present: Hon'ble Dr. B.C. Sarma, Administrative Member
Hon'ble Mr. D. Purakayastha, Judicial Member

P. SAMAJDAR

VS

1. Shri D.N. Paul,
Pay & Accounts Officer,
Zonal Accounts Officer,
CBDT,
20, Abdul Hamid Street,
Calcutta-700 069

For the Applicant : Mr. R.K. De, counsel

For the REspondents: Mr. M. S. Banerjee, counsel

Heard on 18.12.1997

: :

Date of order: 18.12.1997

O R D E R

B. C. Sarma, AM

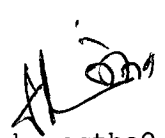
This CP(C) has been filed on the ground that the direction contained in the order dated 4.3.97 passed in OA 125/97 has not been carried out by the respondents. The applicant has, therefore, alleged that one Shri D.N. Paul, Pay & Accounts Officer, Zonal Accounts Office, CBDT, 20 Abdul Hamid Street, Calcutta-69 has committed contempt of court.

2. A reply has been filed by the alleged contemner. From the reply it is clear that the remaining amount in the account of the applicant was paid by cheque amounting to Rs.11,747/- and this cheque was also encashed by the applicant on 30.8.97. Therefore, there has been no contempt.

3. When the hearing of the matter was taken up today Mr. M.S. Banerjee, learned counsel for the alleged contemner submits that the CP(C) is not maintainable, since Shri D.N. Paul, alleged contemner in CP(C) was not a party in this petition in his official capacity. We find that in the original application the respondents were Pay and Accounts Officer, Eastern Zone, CBDT. Nizam Palace, 234/4 A.J.C. Bose Road, Calcutta-20. The said respondent is quite different from the instant alleged contemner in the CP(C). It is true that the Zonal Accounts Officer, CBDT, 20 Abdul Hamid Street, Calcutta was also a respondent in that case.

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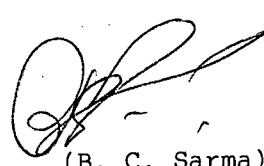
But the instant alleged contemner is the Pay & Accounts Officer of the CBDT and he is not the Zonal Accounts Officer. Therefore, we are of the view that the submission of Mr. Banerjee is correct and accordingly the CP(C) is not maintainable. Even otherwise we find that the action has been taken in the matter of implementation of the order passed on 4.3.97 in OA 125/97. The CP(C) is thus disposed of without passing any order as to costs.



(D. Purkayastha)

MEMBER (J)

18.12.1997



(B. C. Sarma)

MEMBER (A)

18.12.1997